POLICE LAW OF GEORGIA

Chapter I

General Provisions

Article 1 - Scope of the Law

1. This Law defines basic principles of the Georgian police activities, the legal grounds for organisational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities.

2. The purpose of this Law is to ensure the protection of public security and legal order.

3. This Law applies to the activities of persons having special and military ranks who serve within the system of the Ministry for Internal Affairs of Georgia (MIA) ('the Ministry').

Article 2 – Definition of terms

For the purposes of this Law, the terms used have the following meanings:

a) public safety – inviolability of human rights, state sovereignty, territorial integrity and constitutional order, laws and other acts of Georgia;

b) legal order – a system of behaviour and relations formed within society and regulated by the legislation of Georgia and by customs, traditions, and moral norms that do not contradict the legislation of Georgia;

c) threat – a condition indicating reasonable grounds to believe that in case of an unobstructed course of expected developments there is a high probability that the good protected by the police would be damaged;

d) reasonable grounds to believe – a fact and/or information that would be sufficient for an impartial observer to draw conclusions considering given circumstances;

e) administrative real act – a public legal action aimed at achieving actual outcomes rather than at originating, changing, or terminating legal relations;

f) border-police activities – a unity of office-related organisational, procedural, investigative, legal-administrative, operative investigative, intelligence, counter-intelligence, regime, technical and military-tactical activities that are performed by the Border Police of Georgia to carry out the functions vested in it;

Article 3 - The Police of Georgia

The Police of Georgia ('the Police') are a system of law enforcement agencies under the Ministry exercising executive power. Within the scope of its authority, under the legislation of Georgia, the Police carry out preventive measures and respond to offences to ensure public security and legal order.

Article 4 - Organisational structure of the Police

1. Police function within the system of the Ministry and employ persons holding ranks determined by the legislation of Georgia, as well as other public servants ('Ministry employees').

2. Police agencies function within the system of the Ministry as structural sub-units, territorial bodies, the state sub-agency – Border Police of Georgia, and legal entities under public law (LEPLs) operating within the system of the Ministry.

3. A police officer is a public servant who serves at the Ministry, an employee of the state sub-agency – Border Police of Georgia or an employee of a legal entity under public law within the Ministry who are conferred a special rank and who have taken the oath of a police officer.

4. The text of the oath of police officer is approved by the Minister for Internal Affairs of Georgia ('the Minister').

Article 5 - Legal grounds for police activity

1. Legal grounds for police activity are the Constitution of Georgia, international legal acts, this Law and other laws of Georgia, legal acts and other normative acts of the President of Georgia, the Government of Georgia, the Prime-Minister of Georgia and the Minister.

2. The Law of Georgia on Public Service shall apply to police officers and Ministry employees unless otherwise provided for by this Law and other legislative acts.

3. For the purposes of this Law, the Minister, within the scope of his/her authority, shall execute administrative real acts, issue normative administrative-legal acts and individual administrative-legal acts.

4. The Police shall exercise their preventive actions applying legal forms of activities of administrative bodies - administrative-legal acts and administrative real acts - as provided for by the General Administrative Code of Georgia. Procedures set by the General Administrative Code of Georgia shall not apply to issuance and notification of individual administrative-legal acts on conducting operative investigative actions.

5. The Criminal Procedure Code and other relevant normative acts of Georgia shall specify legal forms of police responsive actions to offences committed by the Police for detecting, preventing, and investigating a crime.

Article 6 - International cooperation of the Police

International cooperation of the Police shall be based on international treaties of Georgia, the principle of reciprocity and regional cooperation as determined by the legislation of Georgia.

Article 7 - Cooperation of the Police with state and local self-government bodies, civic organisations, legal and natural persons

1. To perform their functions, the Police shall cooperate with state and local self-government bodies, civic organisations, legal and natural persons as determined by the legislation of Georgia.

2. The General Administrative Code of Georgia shall regulate the issues related to the provision of legal assistance by the Police to other administrative bodies.

Chapter II

Basic Principles of Police Activity

Article 8 - Basic guiding principles of police activity

1. A police officer shall strictly observe the principles of protecting and respecting fundamental human rights and freedoms, lawfulness, non-discrimination, proportionality, exercising discretionary power, political neutrality, and transparency of police activity.

2. Violation of basic guiding principles of police activity by a police officer while carrying out police measures shall incur liabilities under the legislation of Georgia.

Article 9 - The principle of protecting and respecting fundamental human rights and freedoms

1. The forms, methods, and means of police activity shall not infringe human honour and dignity, right to life, physical inviolability, right to property and other fundamental rights and freedoms, and shall not cause unjustifiable damage to the environment.

2. Torture, inhuman, and degrading treatment shall be inadmissible when carrying out police measures.

Article 10 - Principle of lawfulness

1. Measures carried out by a police officer shall be based on the principles of the rule of law and legal reservation.

2. Under the principle of the rule of law, crime prevention and response measures shall comply with the requirements of law.

3. Under the principle of legal reservation, police measures that limit human rights and freedoms recognised by the Constitution of Georgia may only be carried out under law.

Article 11 - Principle of non-discrimination

The Police shall respect and protect human rights and freedoms irrespective of race, skin colour, language, sex, age, religion, political or other opinions, national, ethnic, or social affiliation, origin, property or social status, place of residence, or other characteristics.

Article 12 - Principle of proportionality

1. Police measures shall aim at achieving legitimate objectives. A selected police measure shall be fit, necessary, and proportional.

2. Measures selected by a police officer shall be deemed fit if they enable achievement of a legitimate objective.

3. A fit police measure, selected by a police officer, shall be deemed necessary if it is impossible to use other means that would cause less damage to the recipient of the measure and to other persons while achieving a legitimate objective.

4. A necessary police measure carried out by a police officer shall be deemed proportional if the damage inflicted to achieve the good protected by law does not exceed the good itself, for the protection of which the police measure is carried out.

5. Lawful police action shall be terminated if the objective of the action has been achieved or if it is obvious that the objective is impossible to achieve.

Article 13 - Principle of exercising discretionary powers

1. In the cases and within the scope of law, to perform its functions, the Police shall act within discretionary powers.

2. A police officer shall be authorised to decide whether to perform police measures.

3. A police officer shall have the freedom to select the most acceptable one out of several police measures under the legislation of Georgia, according to the principle of proportionality.

4. If the legislation of Georgia specifies several police measures, the use of one of the measures shall suffice to prevent a threat.

Article 14 - Principle of political neutrality

When exercising his/her powers, a police officer shall uphold the principle of non-partisanship. A police officer may not use his/her official status in favour of party interests of any political subject.

Article 15 - Principle of transparency in police activity

1. The Police shall provide public information about their activity to state bodies, civic organisations, and interested persons, as determined by the legislation of Georgia.

2. The Police shall promptly provide objective information about their activity to the public and mass media avoiding disclosure of state, professional, or commercial secret information, as well as personal data and investigation materials, except as provided for by law.

3. The Police shall process personal data according to the legislation of Georgia on personal data protection, unless otherwise determined by this Law.

Chapter III

Police Functions and Authority

Article 16 - Police functions

1. Basic function of the Police is to avoid threats to public security and legal order.

2. Police functions are:

a) protecting human rights and freedoms;

b) protecting legal and natural persons from offences against their property;

c) carrying out preventive measures to avoid and avert crime and other offences;

d) detecting and lawfully responding to crime and other offences on the basis of the authority granted by the Criminal Procedure Code of Georgia, the Administrative Offences Code of Georgia, and other normative acts;

e) protecting and controlling the legal regime of the state border and maritime space of Georgia;

f) analysing crime and other offences, expected threats, risks, and challenges and proposing a strategy for combating crime;

g) carrying out activities related to permits, licenses, and registration;

h) ensuring traffic safety;

i) ensuring protection of the parties of a criminal procedure;

j) combating, preventing, and suppressing illegal migration and ensuring fulfilment of other requirements under the legislation of Georgia;

k) carrying out search-rescue operations;

l) exercising the powers granted by the legislation of Georgia during state of emergency or martial law;

m) responding to and addressing emergency situations.

Article 17 - Police powers

1. The Police shall exercise the following powers within the scope of their authority to ensure performance of their preventive functions:

a) carry out police measures to avoid offences;

b) render relevant legal assistance and urgent medical aid to a person; take urgent measures to protect human life and health including in cases in which a person poses a threat to himself/herself or to others;

c) carry out relevant measures within the scope of their authority to protect the state borders of Georgia, facilities of special and strategic importance, and security of high-ranking state officials; ensure physical protection of state facilities according to the procedures and lists approved by the Minister;

d) ensure safety of the participants of meetings, demonstrations, and other mass events;

e) participate, together with other state agencies and public organisations, in preventive measures aimed at avoiding child vagrancy and child neglect, and eliminating juvenile delinquency, and consider peculiarities of minors while performing police activities;

f) regulate traffic and monitor observance of traffic rules, norms, and standards;

g) take special measures within the scope of their authority to protect the parties of criminal procedures according to the Special Programme for Protection of Parties of Criminal Case.

2. To fulfil police functions, the Police shall respond to offences within the scope of their authority, in particular:

a) issue a protective order as a temporary measure to rapidly respond to domestic violence and to ensure protection of a victim and restriction of certain actions of a violator; it shall also monitor execution of safety and protective orders;

b) if a person presents a document specified by law that certifies the ownership right of the person, without court decision, prevent offences against the property or impediment to its use in any other form except if an alleged intruder presents a written document evidencing a title of ownership, lawful ownership, and/or the right to use the real property. Administrative appeal of a written warning issued to an alleged intruder by an authorised police representative shall not suspend execution of suppressive measures related to ownership rights of real property and validity of a written warning (an administrative-legal act);

c) deprive a person of driving a vehicle if he/she does not have a driving license or he/she has been disqualified, or if there are reasonable grounds to believe that a person is under the influence of alcohol, drug or psychotropic substance; the Police shall bring the person to an authorised person for examination;

d) if there are reasonable grounds to believe that a person has consumed drugs, bring the person to an authorised person for examination;

e) receive and record information on crimes and other offences, and missing persons and promptly respond to them, also register offences and offenders;

f) perform border-police and operative investigative actions, technical criminalistic examination of operative investigative materials and administrative offences as determined by law;

g) assist relevant bodies in searching for lost and stolen weapons, ammunition, and equipment, military property, and persons who evade conscription;

h) within the scope of their authority, perform measures specified by the criminal procedure legislation;

i) ensure cessation of meetings and demonstrations and disperse the participants of the events in the cases provided for by Georgian legislative acts;

j) order a person to observe the law and stop committing an offence; in the case of failure to follow the order, take measures as provided for by law.

3. In the case of emergencies and a state of emergency or martial law, the Police shall:

a) participate, within the scope of their authority, in the eradication of consequences of emergencies and in search and rescue operations; ensure safety of persons, legal order, and protection of property from offences, provide first aid to affected persons and persons in helpless condition; within the scope of their authority, participate in ensuring observance of the regime set for the state of emergency or martial law, and in carrying out actions required by quarantine in the case of epidemics and epizootic events;

b) during a state of emergency and martial law, within the scope of their authority, ensure security and readiness of state mobilisation-recruitment stations and operative command headquarters, and full mobilisation and preparedness of the staff (of the Ministry);

c) receive, process, and submit notification to authorised bodies for further response to natural and anthropogenic emergencies, emergency medical aid, suspension, limitation and/or fluctuation of pressure of natural gas supply from permissible norms, as well as suspension and/or fluctuation of pressure of potable water supply and other emergencies.

4. Based on its function to protect state borders of Georgia, the Police shall ensure to:

a) prevent, detect, and suppress illegal actions at the state border of Georgia and carry out other measures, under the legislation of Georgia, at the state border, within the border zone, within the border area, in the maritime area of Georgia and on vessels under Georgian jurisdiction;

b) inspect persons at the state border of Georgia, manage the processes related to illegal migration, prevent and suppress illegal migration, and meet other requirements on the legal status of individuals crossing the state border as provided for by the legislation of Georgia;

c) exercise the 'right of hot pursuit' provided for by the United Nations Convention of 1982 on the Law of the Sea.

5. Within the scope of its authority and in cooperation with relevant authorities, the Police shall, on the basis of international treaties of Georgia, carry out measures to ensure personal and property security of representation offices of foreign countries and international organisations in the territory of Georgia.

Chapter IV

Police Measures

Article 18 - Crime prevention and response measures of the Police

1. To prevent a threat to or violation of public security and legal order, the Police, within the scope of their authority, shall carry out the following preventive measures:

a) interviewing a person;

b) identifying a person;

c) inviting a person;

d) carrying out frisk and examination of a person;

e) carrying out special inspection and examination;

f) carrying out special police control;

g) ordering to leave a place and prohibiting entrance to a certain territory;

h) restricting a person or a vehicle from moving or restricting actual possession of an item;

i) using self-operating photo (radar) and video equipment;

j) developing and using technical means;

k) carrying out operative investigative measures.

2. The Police shall carry out responsive measures to offences according to this Law and the legislation of Georgia on administrative offences, criminal law, and other normative acts.

3. If a police officer cannot be identified by his/her insignia, he/she shall be obliged to present a document evidencing his/her authority to a person unless it hinders accomplishment of police functions.

4. While carrying out preventive measures and responding to offences, the Police shall take into account peculiarities of minors.

Article 19 - Questioning a person

1. To ensure public security, a police officer may openly and directly request a person to identify himself/herself, for which a police officer may stop and ask a person to present his/her identity documents, if:

a) a person's appearance is similar to the appearance of a wanted or missing person;

b) there are reasonable grounds to believe that a person has committed or will commit an offence;

c) a person is in the territory of or in a facility subject to a special regime, or in a place under special police control;

d) a person possesses a weapon defined by the Law of Georgia on Weapons, the carrying of which requires a special permit and the fact of having such permit cannot be verified otherwise;

e) a person is at a crime scene, a road accident scene, or an incident scene;

f) the appearance of a person, physical characteristics of a transportation mean, or a person's actions indicate his/her possible involvement in an offence;

2. A police officer has the right to question a person if there are reasonable grounds to believe that the person has information needed to perform police functions. Provision of information by a person is voluntary. That measure can be applied to persons under the age of 14 only in the presence of their parents or legal representatives.

3. The grounds for conducting police measures shall be explained to the person unless it hinders performing police functions prescribed by this Law.

Before conducting interviewing under the second paragraph of this article, a person shall be informed that participation in interviewing is voluntary.

Article 20 - Identification of a person

1. To ensure public security, the Police may identify a person in the cases provided for by Article 19(1) of this Law if identification of a person by applying the preventive measures provided for in the same paragraph is impossible or is related to special difficulties, and identification of a person is necessary to prevent an offence, or there are reasonable grounds to believe that the person is directly connected to a committed offence.

2. The measures for identification of a person are:

a) taking fingerprints and palm prints;

b) taking photos;

c) recording physical characteristics;

d) measuring height;

e) recording voice;

f) recording other biometric data.

3. Before carrying out identification measures, a person shall be given an opportunity to prove his/her identity voluntarily within a reasonable period of time.

4. While carrying out identification measures, a police officer shall prepare a report and state the grounds for application of the measure, as well as all important factual circumstances. A police officer who applies the measure and a person in relation to whom the measure is applied shall sign the report on identification. If a person in relation to whom the measure is applied refuses to sign a report, a relevant entry shall be made in the document; a person in relation to whom the measure is applied has the right to add a note to the report, which must be endorsed by his/her signature.

Article 21 – Invitation of a person

1. The Police may invite a person by a notification to interview him/her at a police station, if:

a) there are reasonable grounds to believe that the person holds necessary information that will help the Police to carry out their function;

b) it is necessary for identification of another person.

2. Grounds for inviting a person shall be explained when notifying him/her.

3. When notifying a person, the Police shall explain that arriving at and leaving a police station is voluntary.

4. When inviting a person, the peculiarities of his/her official duties and personal interests shall be taken into account.

5. Inviting a minor shall only be admissible together with a parent or a legal representative.

6. Duration of stay of an invited adult at a police station shall not exceed four hours, while in case of a minor, it shall not exceed two hours.

7. A report shall be prepared about the interview with the invited person that shall be signed by the police officer who prepares the report and by an invited person; if an invited person is a minor, a report should also be signed by his/her parents or a legal representative. A report shall contain the name of the invited person and the grounds for the interview, whether the rights have been explained to the invited person, and other factual circumstances. If an invited person refuses to sign an interview report, a relevant entry shall be made in the document. An invited person has the right to add a note to the interview report that shall be endorsed by his/her signature.

Article 22 - Frisk and examination

1. Frisk of a person means patting down his/her clothing with hands or with a special device or instrument.

2. A police officer may stop a person for frisk within the frame of preventive measures if:

a) there are reasonable grounds to believe that a person has an item, carrying of which is restricted, or which poses threat to his/her or other people's lives and health;

b) a person is near or within 20 meters of the territory or facility subject to special regime as provided for by Article 23 of this Law;

c) there are reasonable grounds to believe that persons staying in the territory of Georgia illegally gather in the place where the person is, or the place is used by wanted persons to hide, or an offence may be committed.

3. Frisking shall be conducted by a police officer of the same sex. In the case of immediate need, frisk and search may be conducted by any police officer only by a special device or an instrument.

4. Within its preventive authority, a police officer has the right to examine an item or a vehicle, if:

a) a police officer conducts a frisk and search of an actual possessor of the item or vehicle;

b) there are reasonable grounds to believe that offender or a person illegally deprived of liberty is in the vehicle;

c) there are reasonable grounds to believe that there is an item in the vehicle that has to be seized;

d) there are reasonable grounds to believe that the item or vehicle is where a crime may be committed, and it is necessary to conduct a frisk and search to prevent a crime;

5. Examination of an item or a vehicle includes visual examination of the item and/or the vehicle; for vehicles, this also includes visual examination of luggage boots.

6. The actual item possessor or a family member of the possessor of the item or the vehicle must attend the examination.

7. A police officer shall explain the right to appeal the legality of the measure defined by this article to the person.

8. The length of time a person may be stopped by a police officer shall not exceed 30 minutes from the moment that the person has been stopped.

9. A police officer shall prepare a report when he/she applies the measure defined by this article. A police officer who prepares the report and the person against whom the measure is conducted shall sign the report. If a person does not attend the examination of an item or vehicle, his/her family member shall sign the report; if the family member does not attend the examination, a neighbour shall sign the report. Persons participating in the measure and the factual circumstances shall be indicated in the report. If a person against whom the measure is conducted refuses to sign the report, a relevant entry shall be made in the report. The signatory has the right to add a note to the report that is endorsed by his/her signature. If the owner of an item or a vehicle subject to examination cannot be identified, a police officer shall conduct the measure defined by this article without the presence of the persons provided for by this paragraph.

10. If the grounds for search originate during a frisk and search, a police officer shall conduct the search as provided for by the Criminal Procedure Code of Georgia.

Article 23 – Special inspection

1. Special inspection, as a preventive measure, shall imply inspection and examination of a person, of an item or a vehicle on territory or at a facility under special regime that is necessary to find and identify the item. The Government of Georgia shall develop the list of territories and objects subject to special regime.

2. Within the scope of their authority, the Police shall perform a special inspection of a person, as a preventive measure, only if:

a) there are reasonable grounds to believe that a person carries an item, the possession of which is an offence or a violation of the rules regulating the territory or the facility subject to the special regime;

b) it is necessary to identify a person in helpless condition;

c) a person is being checked at a border crossing point as provided for by the legislation of Georgia.

3. Special inspection of a person shall be conducted by a police officer of the same sex, except for cases when inspection of a person by a police officer of the same sex requires special efforts. Inspection of a person by a police officer of a different sex is admissible only by a special device or instrument.

4. Within the scope of their authority, the Police shall inspect an item or a vehicle as a preventive measure in the cases provided for by Article 22(4) of this Law.

5. Special inspection of a vessel shall be conducted:

a) to identify the state of the flag;

b) to inspect the ship's crew and passengers;

c) to define compliance of the security, maritime navigation tools, environmental and on-board living conditions of the vessel with international standards.

6. A person who is in actual possession of an item or vehicle or his/her family member shall attend a special inspection.

7. A police officer shall explain the right to appeal the legality of the measure in cases provided for by the fourth and fifth paragraphs of this article.

8. If the grounds for search originate during a special inspection, a police officer shall perform the search as provided for by the Criminal Procedure Code of Georgia.

Article 24 - Special police control

1. Special police control of a person, an item, or a vehicle shall be conducted if there are reasonable grounds to believe that a crime or other offence has been or will be committed.

2. Special police control is an inspection conducted by the Police on a pre-selected territory for a specific period of time, while in the cases of immediate necessity it is conducted on relevant territory for a needed period of time. Special police control intends to achieve the purposes determined by the first paragraph of this article.

3. A written order on conducting special police control shall be issued by the Minister, while in the cases of immediate necessity, the Minister or a person designated by order of the Minister shall issue a relevant verbal instruction. The verbal instruction shall be translated into a written instrument within 24 hours.

4. A frisk as provided in Article 22(1)(5) of this Law shall be implemented when conducting special police control.

5. During a special police control, a police officer shall be equipped with switched-on video recording device fixed on his/her uniform.

Article 25 - Demand to leave a place and prohibition of entry onto a certain territory

1. A police officer shall have the right to demand a certain place be left for a specific period of time or to prohibit a person to enter a certain territory, if it is necessary to prevent a threat.

2. Restriction under the first paragraph of this article may last until the threat is eliminated.

3. Application of the measures under this article shall not result in long-term restriction of a person's right to use his/her own domicile.

Article 26 - Restriction of movement of a person or a vehicle or restriction of actual possession of an item

1. Under the legislation of Georgia, the Police shall be authorised to temporarily restrict movement of a person if:

a) the person's action poses threat to his/her or other people's health and lives;

b) the person fails to fulfil the requirements under Article 25 of this Law;

c) the purpose is prevention of a crime or an administrative offence.

2. As provided for by the legislation of Georgia, the Police may temporarily restrict actual possession of an item or movement of a vehicle to prevent a threat if the item or the vehicle may be used by a person to infringe his/her or other people's lives and/or health or damage another’s property.

3. Restriction of actual possession of an item shall be conducted by depriving possession of an item, by restriction of its movement or by other means.

4. Temporary restriction of movement of a person, and movement or transportation of an item shall be immediately terminated if the grounds for application of that measure cease to exist.

Article 27 - Use of self-operating photo (radar) and video devices

1. To ensure public security, the Police may, as provided for by the legislation of Georgia, place/install self-operating photo and video devices on their uniforms, on the roads, and along external perimeters of buildings, and use self-operating devices already installed and under the possession of other persons for the following purposes:

a) to prevent crime and to protect a person's safety and property, public order, and to protect minors from harmful influence;

b) to ensure observance of road traffic regulations;

c) to prevent, detect, and suppress illegal crossing of the state border of Georgia, and to ensure safety of persons at the border;

d) to timely detect threats to persons and property at border crossing points.

2. Information regarding self-operating photo (radar) and video devices installed in the cases under the first paragraph of this article shall be indicated in a visible place.

Article 28 - Development and use of technical means

1. Within the scope of their authority vested by this Law and other laws of Georgia, the Police shall develop and use technical means and ensure its protection in order to guarantee public security.

2. Technical means used by the Police and methods of their use shall not infringe the honour and dignity of a person, shall not violate fundamental human rights and freedoms recognised by the Constitution of Georgia, shall not pose a threat to human life and health, and shall not cause damage to the environment.

3. Technical means shall be applied according to the legislation of Georgia.

Article 29 – Operative investigative measures

1. Operative investigative activities of the Police shall be regulated under the Law of Georgia on Operative Investigative Activity and other normative acts.

2. Certain units under the Ministry shall also carry out other activities as provided for by the Law of Georgia on Public Security Service, the Law of Georgia on Counterintelligence Activity and other normative acts.

Chapter V

Coercive Measures

Article 30 - Coercive measures

Coercive measures shall include use of physical force, special means, and firearms by the Police to perform police functions.

Article 31 - Right to use coercive measures

1. To perform police functions, a police officer may use fit and proportionate coercive measures only in the case of necessity and to the extent that shall ensure achievement of legitimate objectives.

2. A police officer shall be authorised to use firearms and special means only if he/she has undergone special training.

3. Before using physical force, special means and firearms, a police officer shall warn a person and give a reasonable period of time to carry out the lawful order except if the delay may cause encroachment on life and health of a person and/or of a police officer, or other severe consequences, or if such warning is unjustifiable or impossible in a given situation.

4. The form and extent of a coercive measure shall be defined based on a given situation, the nature of an offence and individual peculiarities of the offender. Also, a police officer must try to cause minimal and proportionate damage while carrying out a coercive measure.

5. A police officer shall be obliged to provide first aid to a person injured by coercive measures.

6. A police officer may not use means that can cause severe injury to a person, may pose unjustifiable risk or are prohibited by the legislation of Georgia.

Article 32 - Use of physical force

1. A police officer shall have the right to use physical force, among them special fighting techniques to ensure his/her safety and/or safety of other persons, to prevent crimes and/or administrative offences, to arrest a criminal who has committed a crime and/or an administrative offender if the use of non-violent methods cannot ensure performance of police functions vested in the police officer under the law.

2. A police officer shall inform his/her immediate superior and the prosecutor about injuries to a person inflicted as a result of use of physical force except if informing the immediate superior and the prosecutor about the injuries is impossible or is related to specific difficulties, or impedes performance of police functions.

3. If physical force is used against an unspecified number of people, a senior official shall inform his/her immediate superior and the prosecutor.

Article 33 - Use of special equipment

1. A police officer shall use passive and active special equipment to ensure public security and legal order.

2. Passive special means shall ensure protection of life and health of a police officer and/or of a person protected by police officer. Passive special means shall be: bulletproof vests, helmets, riot shields, gas masks and other special body protective equipment.

3. Active special equipment shall disable a person to resist a police officer for a short period of time and/or assist a police officer to perform police functions. Active special means shall be: handcuffs and other means of restraint, rubber batons, tear gas, pepper spray, sonic weapons, non-lethal weapons (including non-lethal shells), flash-bang device of psychological effect, device to stop a vehicle by force, barrier demolition equipment, water cannons, an armoured car and other special vehicles, special paint, police dogs and horses, electroshock devices and a capturing net. The above special means shall be used in the following cases:

a) handcuffs and other means of restraint are used against a person who resists or may resist a police officer, or tries to escape, who has committed a crime or an action posing a threat to the public at large; during escorting an arrested or a detained person; if a person may injure himself/herself and others as a result of his/her dangerous action;

b) special batons are used to repel an attack on a person, a police officer and/or a protected facility; to arrest a person who has committed a crime or an offender if he/she refuses to obey a lawful order of a police officer, and to prevent mass and group violations of legal order;

c) tear gas, pepper spray, sonic weapons, and non-lethal weapons (including non-lethal shells) are used to repel an attack on a person, a police officer

and/or protected facility; to prevent mass and group violations of legal order; when detaining a person who has committed a crime or an action posing threat to the public at large, or when forcing such person to leave an occupied territory, vehicle or building and construction that the person is using as a shelter;

d) flash-bang device of psychological effect to temporarily disorient senses is used to repel an attack on a state and/or public facility, on a person and/or a police officer; to detain a person who is engaged in an armed resistance; to expel a criminal or a dangerous person posing a threat to the public from buildings and construction sites, plots of land, and vehicles that they have broken into, and to release a person who has been unlawfully deprived of liberty.

e) a device to stop a vehicle by force is applied to stop a vehicle by force that is driven by a person who does not obey the demand of a police officer and whose actions pose a threat to a person's life and health, or if use of such means is necessary to protect proportionate lawful good;

f) a barrier demolition technique is used to arrest a criminal or a person who has committed an action posing a threat to the public at large, as well as to release a person unlawfully deprived of liberty from a closed space;

g) water-cannons, armoured car and other special transportation means are used to suppress mass violations of legal order, to repel a group attack on the state and/or public facilities, to stop a vehicle by force if the driver does not obey a police officer's demand to stop; to detain an armed criminal;

h) special paint is used to detect a person who has committed a crime;

i) police dogs are used to suppress mass violations of legal order, to chase and arrest a criminal or a person who has committed an action posing a threat to the public at large, to escort an arrested or detained person, to repel an attack on a person and/or a police officer;

j) police horses are used to chase or arrest a criminal or a person who has committed an action posing a threat to the public at large or during patrolling, and to prevent mass violations of legal order;

k) an electroshock device is used to repel an attack on a person, a police officer and/or a protected facility;

l) binding net is used to chase an offender, to repel an armed attack, or to arrest an attacker.

4. A police officer shall inform his/her immediate superior and the prosecutor about inflicting damage to or wounding a person as a result of the use of coercive measures, with the exception of cases when informing the immediate superior and the prosecutor about inflicting damage to or wounding a person by a police officer is impossible or is related to exceptional difficulties, or impedes performance of police functions.

5. If special equipment is used against an unspecified number of people, a senior official shall inform his/her immediate superior and the prosecutor.

6. The rules for keeping, carrying, and using police special equipment shall be regulated by normative acts issued by the Minister.

Article 34 - Right to use firearms

1. A police officer may keep, carry, and use a service firearm, as well as an additional service firearm as determined by the procedure of the Minister.

2. The procedure for keeping and carrying firearms at disposal of a police officer shall be determined by the Minister.

3. Passive use of a firearm refers to demonstration of a firearm by a police officer to achieve a legitimate objective.

4. Active use of a firearm refers to intentional shot from a firearm.

5. A police officer may use a firearm as a last resort:

a) to defend a person and him/herself from a threat to their lives and/or health;

b) to release a person who has been unlawfully deprived of liberty;

c) based on prior information, to prevent the escape of a person who has been detained for having committed a violent act or extremely grievous crime;

d) to prevent a violent crime if a person resists a police officer;

e) to repel an attack on a protected facility, state body and/or civic organisation;

f) to defend a person from the attack of a dangerous animal;

g) to damage a vehicle to stop it, except shooting from a moving vehicle at another moving vehicle, if the action of a driver poses threat to human life and/or health and the driver does not obey multiple demands of a police officer to stop the vehicle.

6. The active use of a firearm against a person shall be preceded by the following verbal warning: ‘Police! Freeze or I will shoot!’ followed by a warning shot. In the case of necessity, a warning shot might not be fired.

7. A firearm may be used without prior warning:

a) in the case of an armed attack, or unexpected attack with military equipment, any vehicle or mechanical means;

b) based on the prior knowledge of a police officer, in the case of an escape, using a vehicle, of a person detained or imprisoned for extremely grievous crime;

c) in the cases of armed resistance by a person;

d) to give an alarm signal or to request support forces;

e) to stop the robbing a police officer of a firearm;

f) to kill a deadly injured or diseased animal if it is obvious that the problem cannot be solved otherwise.

8. Use of a firearm in a situation where it may cause deadly injury shall only be admissible in the case of self-defence or emergency.

9. A police officer may in no case use a firearm in the areas where there is a possibility of injuring other people, as well as in inflammable and combustible areas, except for the cases of necessary self-defence and/or emergency.

10. A police officer shall urgently inform his/her immediate superior and the prosecutor about the active use of firearms.

11. The list of firearms and ammunition in the police arsenal shall be determined by the legislation of Georgia.

Article 35 - Restrictions to use coercive measures

1. Use of physical force, special equipment, and firearms against persons who are obviously pregnant, under age, with disabilities or elderly shall be inadmissible, except if they are armed or carry out a group attack or armed resistance to police officer, thus endangering lives and health of other persons or the police officer, and if this attack or resistance is impossible to repel by any other means and methods.

2. An exception to the first paragraph of this article shall occur in cases where the non-use of physical force and special equipment makes it impossible to carry out police functions.

Chapter VI

Police Service

Article 36 - The procedure to serve in the Police

1. The procedure to serve in the Police shall be defined by normative acts of the Minister.

2. A police officer may not go on strike or participate in meetings and demonstrations.

3. A police officer may not be a member of a political party.

4. A police officer may not perform any paid work, except for scientific, pedagogical or creative work, hold a position at any other budgetary organisation or perform any paid work in an enterprise, established with more than 50% state share participation, or hold a position in a body or institution of a foreign country.

Article 37 - Recruitment procedure

1. A citizen of Georgia, who has reached 18 years of age, has a command of the official language and who, based on his/her personal and business characteristics, education, physical training and health status is capable of performing police functions may be recruited to serve in the Police.

2. The Human Resources (HR) Department of the Ministry and a special commission shall select candidates to be recruited to the Police and examine the health status, physical fitness, education and professional aptitude of a candidate.

3. A candidate who is to be recruited to a certain position in the Police shall undergo special training in a relevant educational programme or course at the Academy of the Ministry before or after being recruited.

4. A person may be recruited to work at the Police on the basis of a special competition.

5. A legal act on recruitment/appointment or dismissal/discharge may be issued by means of an electronic document management system. A legal act issued under that procedure shall be considered delivered from the moment of sending it by the electronic document management system to the person to whom the legal act of recruitment/appointment or dismissal/discharge (including removal from the position) directly concerns.

Article 38 - Limitations set for recruitment

The following persons shall not be recruited to work in the Police:

a) a person convicted for having committed a premeditated crime;

b) a person who is subject to criminal prosecution;

c) a person who is under judicial disability;

d) a person who has been deprived by the court of the right to occupy a relevant position;

e) a person whose state of health, based on the conclusion of a medical examination, does not meet the necessary requirements set for the position.

f) a person who is ill with alcoholism, drug addiction, mental and/or other disease. The list of diseases shall be developed coloboratively by the Minister for Labour, Health and Social Affairs of Georgia and the Minister for Internal Affairs of Georgia;

g) a person who, as a result of holding the position, will directly supervise or be supervised by a parent, spouse, sister, brother, child or a sister, brother, or parent of a spouse.

h) an applicant for obtaining citizenship of a foreign country, except for the cases provided for by law, international treaties and agreements of Georgia.

Article 39 - The procedure for recruiting of and serving by conscripts

The procedure for recruitment of and serving by conscripts in the Police shall be defined by legal acts and other normative acts of the Minister.

Article 40 - Temporary suspension of a police officer from the office

1. A police officer, who is accused of committing a crime, may be temporarily suspended from office by order of the Minister, based on a substantiated written request of the investigative body, a relevant conclusion of the General Inspectorate of the Ministry, or a request of the Head of a respective unit until a final decision is made.

2. If a police officer is acquitted, he/she shall be restored to the position occupied by him/her before the accusations were made, or if it is impossible, the police officer shall be restored to an equivalent position. If a police officer is acquitted, he/she may be compensated for the whole period of forced absence.

Article 41 - Procedure for dismissing a police officer

1. A police officer can be dismissed:

a) on the basis of a personal report;

b) due to lay off or reorganisation that is followed by staff reduction;

c) due to elimination of structural sub-units;

d) due to expiration of the term of being administered by HR Department;

e) due to reaching an age limit;

f) due to expiration of the term set for service;

g) due to disciplinary misconduct or a final judgment delievered against him/her;

h) due to incompatibility for the position;

i) due to change of citizenship;

j) due to movement to another organisation;

k) due to the state of health based on the conclusion of a medical examination;

l) due to being declared missing or deceased;

m) due to death;

n) on other grounds as directly provided for by the legislation of Georgia.

2. The decision to dismiss a police officer shall be made by the Minister or an authorised person.

Article 42 – Placement of a police officer administered by HR Department

1. Based on the order of an authorised person, a police officer may be dismissed from the occupied position and placed at command of HR Department for not more than four months:

a) on the basis of a personal report;

b) due to lay off or reorganisation followed by staff reduction;

c) due to elimination of a structural sub-unit;

2. A police officer being administered by HR Department may be assigned to temporarily perform his/her duties.

3. Starting from the day of placement under administration of HR Department, a police officer is considered as having been notified about possible dismissal.

Article 43 – Professional preparation of police staff

1. Special professional training, retraining, and advanced in-service training of police staff shall take place at the Academy of the Ministry.

2. The Academy of the Ministry shall implement high educational police programmes. 3. Limitations that are not provided for by the Law of Georgia on Higher Education may be established for a student of a police higher educational institution as provided for by the legislation of Georgia.

Law of Georgia No 2367 of 2 May 2014 – website, 16.5.2014

Article 44 – Ranks in the Police

1. The Police shall have a set of ranks awarded on the basis and under procedures defined by this Law and other acts.

2. A police officer shall be awarded a rank if he/she is holding a position for which an equivalent or a higher rank is prescribed.

3. Awarding a rank to a police officer shall be successive, and skipping over any following rank shall be inadmissible.

Article 45 - Term of service for awarding a police rank

1. A term of service shall be determined for awarding any successive rank except for special lower ranks.

2. A term of service at the Ministry shall not be defined for awarding the highest rank. Highest ranks shall be awarded by the President of Georgia on the recommendation of the Minister.

3. The Minister and an authorised person shall have the right to award a rank earlier than the due term of office on the basis of extraordinary achievements or certification results.

Article 46 - Incentives for a police officer

1. The following incentives shall be defined for a police officer for his/her exemplary performance of official duties, long and conscientious service, and performance of extremely difficult or significant assignments:

a) commendations

b) pecuniary bonus

c) rewarding a valuable gift

d) awarding a Ministry diploma

e) awarding badges

f) awarding a Ministry medallion

g) awarding a Ministry medal

h) early award of a higher rank

i) early lift of a disciplinary punishment

j) awarding civilian or service guns

k) write up for the state award.

2. Several forms of police incentives may be used at a time.

3. An authorised person shall have the right to administer incentives to police officers.

4. The forms of incentives provided for by the first paragraph of this article may be applied to a person who assisted the Police, except for the forms of incentives set in paragraph (1)(e),(h),(i).

5. The Minister shall determine the procedure for incentivising police officers.

Article 47 - Police uniform

1. A police officer shall wear the uniform as provided for by the legislation of Georgia.

2. A personal identification card and/or a special badge shall be issued to a police officer to confirm his/her authority.

Chapter VII

Legal and Social Protection of a Police Officer

Article 48 - Legal protection of a police officer

1. When performing official duties, a police officer represents the state authority and he/she shall be protected by the State. Carrying out lawful instructions of a police officer shall be obligatory for everyone.

2. No one shall have the right to interfere in the official activities of a police officer, except as provided for by law.

3. Impeding, infringing honour and dignity, resisting, threatening, demonstrating violence and infringing upon the life, health or property of a police officer in performing his/her official duties shall result in liabilities as provided for by the legislation of Georgia.

4. A police officer shall refuse to carry out an obviously unlawful order or instruction if he/she knew or should have known about its unlawfulness, and shall act within the law.

5. A police officer shall inform the General Inspectorate of the Ministry or the prosecutor in the case of receiving an obviously unlawful order or instruction.

6. A police officer who refuses to carry out an obviously unlawful order or instruction shall not be held liable.

7. A person who issues an obviously unlawful order or instruction to a police officer shall be held liable under the legislation of Georgia.

8. A police officer shall have the right to resort to court to defend his/her rights and freedoms.

Article 49 - Social protection of a police officer

1. The State shall ensure social protection of a police officer.

2. State mandatory health and life insurance of a police officer shall be ensured.

3. During the period of being administered by the HR Department, a police officer shall retain his/her remuneration (salary) set for the last occupied position for two months.

4. Damages inflicted on a police officer when performing his/her official duties shall be fully compensated from the State Budget of Georgia as provided for by the legislation of Georgia.

5. Provision of pensions to police officers shall be ensured under the legislation of Georgia.

6. The terms and conditions for providing medical service to a police officer and his/her family member (members) shall be defined by the Minister.

7. A lump sum allowance, other additional measures of social protection, and privileges may be allotted for a police officer by an order of the Minister.

8. A state-owned apartment, house, auxiliary facilities and land attached to them, which represent the property of the Ministry, may be transferred to a police officer to live in under an individual administrative-legal act of the Minister.

Article 50 - Death of a police officer during performance of official duties

1. If a police officer dies while performing his/her official duties, a lump sum allowance of not more than GEL 15 000 (fifteen thousand lari) and GEL 500 (five hundred lari) to cover burial (grave decoration) expenses shall be allocated from the State Budget of Georgia to the police officer's family (heirs) based on an act issued by the Minister or by a an authorised person. Burial expenses of a police officer shall be covered by the State.

2. Within the limits of budget appropriations allotted to the Ministry, and in the case of budget savings, additional financial aid may be granted to a family member (heirs) or to an immediate dependant of a police officer who died while performing his/her official duties based on a legal act of the Minister.

Article 51 - Health damage of a police officer when carrying out official duties

1. In the case of injury to the health of a police officer while carrying out official duties, the police officer shall be granted a lump sum allowance based on an individual administrative legal act of the Minister. The amount of the lump sum allowance shall be defined in the following amount based on the degree of severity of the injury:

a) in the case of severe injury to health – GEL 7 000 (seven thousand lari);

b) in the case of less severe injury to health – GEL 4 000 (four thousand lari);

c) in the case of light injury to health – GEL 2 000 (two thousand lari);

2. If injury to the health of a police officer while carrying out official duties makes it impossible for the police officer to duly carry out his/her official duties, the Ministry shall ensure employment of the police officer within the system of the Ministry at a position relevant to his/her personal and professional skills, education, and health condition.

3. If in the cases provided for in the second paragraph of this article the Ministry cannot provide employment of the police officer due to objective reasons, the police officer shall receive monthly compensation in the full amount of the sum set for the last occupied position, for an unemployment period, but not exceeding one year.

4. The degree of severity of health injury of a police officer shall be determined according to the law.

Article 52 - Working hours of a police officer

1. Irregular working hours shall be determined for a police officer.

2. A special working regime may be declared for a specific period of time, and in particular cases, within the system of the Ministry or its individual structural units, on the basis of an individual administrative legal act of the Minister. In the case of a special working regime, police officers shall stay at their usual working places. A police officer shall have the right to leave a working place only with the permission of his/her direct superior.

3. The Ministry shall shift to a special working regime if martial law or an emergency situation is declared.

Article 53 - Leave of a police officer

1. The length of annual paid leave of a police officer shall be 30 calendar days.

2. The length of annual paid leave shall be 35 calendar days for a police officer with working experience of more than five years at the Ministry, and 40 calendar days for a police officer with working experience of more than 10 years.

3. The leave of a police officer may be discontinued and he/she summoned to proceed with his/her work in the case of service needs.

Article 54 - Salary of a police officer

1. Salary (monetary remuneration) of a police officer shall consist of remunerations for the position occupied and the rank awarded.

2. In addition to his/her salary, a police officer may be granted a sum additional to the salary (monetary remuneration) and compensation.

3. The Minister shall determine the amount, procedure, and conditions of paying salaries (remuneration for the position occupied and for the rank awarded) and the sum additional to salaries (monetary remuneration) and compensation of a police officer.

Chapter VIII

Financial and Logistical Support of the Police

Article 55 - Financial and logistical support of the Police

1. Structural sub-units of the Ministry, its territorial bodies, and the state sub-agency within the Ministry- Border Police of Georgia, shall be funded from the State Budget of Georgia. Legal entities under public law (LEPLs) within the Ministry shall be funded according to the legislation of Georgia.

2. If a police officer, when carrying out his/her official duties, uses state or personal transportation means, fuel for the transportation means shall be provided by the Ministry under an individual administrative legal act of the Minister.

Chapter IX

Control of Police Activity

Article 56 - Appealing against an action of a police officer

1. A person who believes that his/her rights and freedoms have been violated by action of a police officer shall have the right to appeal against that action to a superior official, the Prosecutor's Office, or to the court as provided for by the legislation of Georgia.

2. A preventive measure of the Police that has been carried out in the form of an individual administrative legal act or an administrative real act shall be appealed under the administrative legislation of Georgia to the administrative body that has carried out the measure, if there is an official superior to the official who has carried out the measure. A police measure carried out by a chief police officer shall be appealed to the superior administrative body. The decision made on the appeal shall be subject to review by the courts of Georgia of general jurisdiction according to administrative legal proceedings.

3. A police measure carried out on the basis of the norms of administrative offences or criminal law shall be appealed as determined by the legislation of Georgia.

4. An administrative legal act and administrative real act of the Minister shall be appealed to the court according to the Administrative Procedure Code of Georgia.

Article 57 - Internal control of activities of a police officer and other employees of the Ministry

1. Activities of a police officer and other employees of the Ministry shall be controlled by the General Inspectorate of the Ministry.

2. The General Inspectorate of the Ministry is independent in its activity and it is inadmissible for other structural units or officials of the Ministry to interfere with its activity. The General Inspectorate of the Ministry is directly accountable to the Minister who supervises it under the legislation of Georgia.

3. The authority of the General Inspectorate of the Ministry shall apply to structural sub-units within the Ministry, territorial bodies, the state sub-agency under the Ministry -Border Police of Georgia, and legal entities of public law (LEPLs) operating under the Ministry.

4. The General Inspectorate of the Ministry shall:

a) within the system of the Ministry, as determined by the legislation of Georgia, detect and respectively respond to the facts of unlawful actions that violate the norms of the Code of Police Ethics and Disciplinary Statute of the Employees of the Ministry for Internal Affairs of Georgia;

b) control financial-economic activities of the divisions within the Ministry, examine the legality and expediency of management of material and financial resources by the divisions;

c) identify and preventreasons facilitating violation of the legislation of Georgia by the employees of the Ministry, reveal the violations and shortcomings in the activities of the divisions within the system of the Ministry, and develop relevant recommendations to eliminate the identified shortcomings and their reasons;

d) perform other functions as defined by an order of the Minister.

5. If unlawful acts are identified while carrying out the measures provided for by the fourth paragraph of this article, the General Inspectorate shall immediately submit relevant materials to the Chief Prosecutor’s Office of Georgia.

Article 58 - State control of activities of a police officer and other employees of the Ministry

State control of the activities of a police officer and other employees of the Ministry shall be exercised on the basis of parliamentary, presidential, governmental, financial, and prosecutorial supervision as provided for by the legislation of Georgia.

Article 59 - Responsibility of a police officer and other employees of the Ministry

1. A police officer and other employees of the Ministry shall be liable for committing an administrative offence and crime as provided for by the legislation of Georgia.

2. An employee of the Ministry who is detained, arrested, or convicted for committing a crime shall be placed or shall serve the sentence isolated from other special contingents.

3. The following forms of administrative punishment shall be applied against employees of the Ministry for violation of work-related discipline:

a) rebuke

b) reprimand

c) severe reprimand

d) deprivation of the Ministry badge

e) demotion of a special or military rank by one level

f) demotion to a lower a position

g) dismissal.

4. The procedure for imposing disciplinary punishment against an employee of the Ministry and his/her removal shall be determined by the Minister.

5. The liability for compensation of damages suffered by a police officer while carrying out official duties shall be regulated by Chapter XIV of the General Administrative Code of Georgia.

Chapter X

Transitional and Final Provisions

Article 60 - Transitional provisions

1. The Government of Georgia shall ensure the following before 1 January 2014:

a) adoption of Ordinance of the Government of Georgia on Formation of a Joint Operations Management Centre of Georgian Executive Authorities Related to Observance of the State Border Regime and Protection of State Border Objects of Georgia to Ensure a Lawful Regime for Controlling Georgian Maritime Space;

b) adoption of Ordinance of the Government of Georgia on Approving the Procedure for Using Arms by Border Police Coast Guard Vessel (Boat) against Illegally Sailing Vessels;

c) development of the list of the territories and objects subject to the special regime.

2. The Minister shall approve the following before 1 January 2014:

a) the procedure for serving at the Ministry

b) the procedure for serving at the state sub-agency – Border Police of Georgia within the Ministry

c) the text of a police officer's oath

d) the Code of Police Ethics

e) the procedure for determining social protection and material support for employees of the Ministry

f) the procedure for determining social protection and material support for employees of LEPLs operating within the Ministry

g) the procedure for determining the salary (remuneration for a position and a rank) and additional pay within the system of the Ministry

h) terms and conditions for providing fuel for the transportation means of the Ministry

i) disciplinary statute for Ministry employees

j) the procedure for recruitment and service of conscripts with the Police

k) the instruction of turnover of weaponry and its control within the Ministry

l) the procedure for keeping, carrying, and using special means in the arsenal of the Police

m) uniforms and attributes of Ministry employees

n) samples of badges, Ministry medallions and medals and the procedure for awarding badges, Ministry medallions and medals

o) temporary instructions on protecting the collection of financial resources, precious metals, and other valuables by employees of the LEPL Security Police Department operating within the Ministry

p) a list of firearms, ammunition, and equimpment in the arsenal of the state sub-agency within the Ministry – Border- Police of Georgia

q) forms of reports for identifying a person, for interviewing an invited person, and for frisk and search of a vehicle.

3. The Ministry shall ensure carrying out the measures necessary for enactment of this Law.

Article 61 - Final provisions

1. The following shall be declared invalid:

a) The Police Law of Georgia of 27 July 1993 (The Gazette of the Parliament of Georgia, No 9, 1993, Art. 187);

b) The Border Police Law of Georgia of 27 December 2006 (The Legislative Herald of Georgia, No 49, 29.12.2006, Art. 377).

2. This Law, except for the Articles 1-59 and Article 61(1), shall come into force uponpromulgation.

3. Articles 1-59 and Article 61(1) of this Law shall come into force as from 1 January 2014.

President of Georgia **Mikheil Saakashvili**

Kutaisi

4 October 2013

N1444-IS